



Promoting the wise use of land
Helping build great communities

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Board of Supervisors

MEETING DATE July 16, 2013	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Patricia Diane Vineyard, LLC	FILE NO. AGP2012-00010
SUBJECT A proposal by Patricia Diane Vineyard, LLC to alter the boundaries of an agricultural preserve, rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel will include approximately 54 acres. The property is located in the Agriculture land use category approximately 0.5 mile west of Buena Vista Drive approximately 2,000 feet east of River Road, north of and abutting the City of Paso Robles. The parcel is in the Salinas River Planning Area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows: <p style="text-align: center;"> Preserve Designation: Estrella Agricultural Preserve No. 10 Amendment No. 1 Minimum Parcel Size: 40 Acres Minimum Term of Contract: 10 years </p>			
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on April 10, 2013 (ED12-174)			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NO: 020-311-030 and portion of 020-012-017	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Irrigated vineyard, residence (with added land), oak trees			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Residence, vineyard, grazing, oaks <i>East:</i> Agriculture/ Vineyard <i>South:</i> City of Paso Robles <i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Generally flat		VEGETATION: Oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 21, 2013	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

Board of Supervisors
 AGP2012-00010 – Patricia Diane Vineyard, LLC
 Page 2

PROJECT REVIEW

Background

The applicant, Patricia Diane Vineyards, LLC, is requesting a lot line adjustment to acquire approximately 14 acres from the neighboring land owners (Woodland Trust). The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts as well as different agricultural preserves. The lot line adjustment would involve new parcel boundaries and legal descriptions and increase the acreage of this parcel from the current 40 acres to 54 acres.

The Patricia Diane Vineyards property (APN: 020-311-030), the subject of this application, is in Estrella Agricultural Preserve No. 10 established on 2/17/76 by Resolution No. 76-171 (APZ751205:1). The southeastern corner of Estrella Agricultural Preserve No. 10 was subsequently annexed into the city of Paso Robles. The parcel is under a land conservation contract recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371, inclusive.

The Woodland property (APN 020-012-017) is part of Estrella Agricultural Preserve No. 9 established on 1/12/76 by Resolution 76-22 (APZ751106:1). The original land conservation contract (approved by Resolution 76-201 and recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371) was terminated by nonrenewal. A new contract was entered into by the Woodlands on 12/8/98 and recorded on 12/11/98 as Document No. 1998-082542. A previous lot line adjustment resulted in an amendment to this original contract (Resolution 2003-458). A portion of Estrella Agricultural Preserve No. 9 was annexed into the city of Paso Robles. The Agricultural Preserve includes another parcel owned by the Woodlands (APN 020-012-018); however this parcel is not under a land conservation contract and is not part of the current lot line adjustment.

Site and Area Characteristics

The land being added is entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The existing parcel is currently planted almost entirely in irrigated vineyard (approximately 38 acres) on Class 2 irrigated and Class 4 irrigated soil. The land to be acquired is used as a rural residence with scattered oak trees and is not currently used for agricultural purposes.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Grazing/Fallow	Building Site	Acres
If Irrigated	Non-Irrigated				
1	4	0.5	na	na	0.5
2*	4	14	na	na	14
4	4	23.5	14	2	39.5
TOTALS		38	14	2	54

*from NRCS Soils Survey book/data used when original contract was entered into.

Board of Supervisors
AGP2012-00010 – Patricia Diane Vineyard, LLC
Page 3

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Williamson Act and the Rules of Procedure

Criteria for Establishing an Agricultural Preserve

Although the property is already under an agricultural preserve, it is appropriate to review the property's eligibility, since the agricultural preserve is being amended. The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's proposed 54 acres exceeds the *gross acreage* necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land *under production* (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture).

The gross acreage must be 40 acres or larger, however a property may meet the eligibility criteria for establishing a prime land agricultural preserve with less than 40 acres in production if the property is planted in orchards, vineyards and other perennial crops that would produce an average annual gross value of \$1,000 or more per acre (averaged over 40 acres) if in full commercial bearing.

With 38 acres planted in irrigated vineyard, the property meets current criteria for establishing an agricultural preserve, based on the recognized high value of irrigated vineyard on non-prime soils, and the income & value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

Qualifying for a Land Conservation Contract

A property must also meet the eligibility requirement of 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils to qualify for a land conservation contract and does so with approximately 38 acres of irrigated vineyard on Class 2 & 4 soils. (Table 1 Section B. 1.c).

Complying with the Williamson Act

Williamson Act, Government Code Section 51257, sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

This lot line adjustment, the attendant agricultural preserve amendments and new replacement land conservation contracts involve the enlargement of one contracted parcel and the reduction in size of the other parcel. Since both properties are currently under contract and both resulting parcels have sufficient irrigated vineyard to re-qualify under current eligibility criteria, the intent of the Williamson Act will continue to be met.

Board of Supervisors
AGP2012-00010 – Patricia Diane Vineyard, LLC
Page 4

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting property will consist of at least 90 percent (in this case 100%) of the land under former contract resulting in no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the property is planted in irrigated vineyard the appropriate minimum parcel size is 40 acres.

The appropriate term for the new contract is 10 years because the property is located less than 1 mile from the urban reserve line of the City of Paso Robles.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on April 22, 2013 at the Veteran's Hall, 801 Grand Ave, San Luis Obispo, California, at 1:00 p.m.

Nancy Orton, Planning Department Review Committee Regular Member and Chairperson: introduces item.

Terry Wahler, staff: presents staff report, describes the property, agricultural use and basis for eligibility. Explains that the agricultural preserve amendment is necessary because of a proposed lot line adjustment.

Irv McMillan, Dana Merrill, Jennifer Anderson, and Robert Sparling, are now present.

Counsel advises staff should provide an overview of the presentation for the members who have just arrived. Staff provides a re-cap.

Terry Wahler: notes that the appropriate minimum parcel size of the land conservation contract is 40 acres and the appropriate term is 10 years.

Dan Lloyd, agent for applicant. Explains the land owner's proposal and notes that the agricultural preserve amendment and new land conservation contract will be consistent with the lot line adjustment.

Following the discussion, Dick Nock moved to recommend to the Board of Supervisors, approval of this request to alter the boundaries of an agricultural preserve, rescind an existing land conservation contract and simultaneously enter into a new land conservation contract to reflect a lot line adjustment, Preserve Designation: Estrella Agricultural Preserve No.10 Amendment No. 1. Minimum Parcel Size: 40 acres. Minimum term of Contract: 10 years. This motion was seconded by Jennifer Anderson, and carried unanimously on an 11-0 vote with the Agricultural Liaison Committee and Farm Bureau members being absent.

Board of Supervisors
AGP2012-00010 – Patricia Diane Vineyard, LLC
Page 5

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation: Estrella Agricultural Preserve No. 10 Amendment No. 1
Minimum Parcel Size: 40 Acres
Minimum Term of Contract: 10 years

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C. The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D. There is no net decrease in the amount of acreage restricted by land conservation contract.
- E. The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F. The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G. The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner
and reviewed by Bill Robeson, Supervising Planner
Agricultural Preserve Program